

JOURNAL OF THE HOUSE.

Tuesday, April 10, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, at the opening of today's formal legislative session we pause for a moment of personal reflection and prayer. We pray for Your spiritual gift of wisdom which enables us to make the right and prudent legislative decisions and choices as we go through the calendar. Help us to offer You our best effort in addressing the many needs of constituents, our communities and the Commonwealth. Inspire us to propose and formulate legislation and programs which serve the current and future best interests of the people. Teach us to be guided in our decision making process by traditional principles and values, human and spiritual, which strengthen our neighborhoods and families.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayers.

Sergeant Adam Kennedy.

During the session, at the request of the Mr. Ross of Wrentham, the members, guests and employees stood for a moment of silent prayer in memory of Sergeant Adam Kennedy, United States Army, of Norfolk. Sergeant Kennedy, age 25, was a graduate of Xaverian Brothers High School in Westwood and Norwich University. He enlisted in the Army in 2004, served in a 4th Brigade Infantry Division and began his first tour of duty in Iraq last fall. He died on Sunday, April 8, 2007, in Kalsu, Iraq, from wounds sustained from an improvised explosive device.

Jack Leary.

During the session, at the request of the Messrs. Wallace of Boston, Walsh of Boston, Honan of Boston and Rush of Boston, the members, guests and employees stood for a moment of silent prayer in memory of Jack Leary, Assistant Chief Probation Officer of the South Boston District Court and founder of the first drug court in Massachusetts. Mr. Leary passed away on Saturday.

Papers from the Senate.

Swansea Water District.

The House Bill relative to the Swansea Water District (House, No. 2031) came from the Senate passed to be engrossed, in concurrence, with an amendment adding at the end thereof the following 2 sections:

“SECTION 2. The vote of the Swansea Water District taken pursuant to Article 15 at the May 8, 2006 annual district meeting authorizing a borrowing of \$11,600,000 pursuant to chapter 137 of the acts of 1949, as amended, is hereby ratified, validated and confirmed.

SECTION 3. This act shall become effective upon its passage.”

Under suspension of Rule 35, on motion of Mr. D’Amico of Seekonk, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 2173) of James E. Timilty, John H. Rogers, Richard J. Ross and Louis L. Kafka for legislation to authorize the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Sharon; and

Walpole/
Sharon,
MWRA.

Of the petition (accompanied by bill, Senate, No. 2174) of James E. Timilty, John H. Rogers, Stanley C. Rosenberg and Louis L. Kafka for legislation to authorize the Massachusetts Water Resources Authority to provide certain services between the town of Walpole and the town of Foxborough;

Walpole/
Foxborough,
MWRA.

And recommending that the same severally be referred to the committee on Municipalities and Regional Government.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2183) of Dianne Wilkerson for legislation to create a license to practice natural hair cultivation. To the committee on Consumer Protection and Professional Licensure.

Natural hair
cultivation.

Petition (accompanied by bill, Senate, No. 2182) of Dianne Wilkerson for legislation to establish a permanent commission on the social status of black males. To the committee on Children, Families and Persons with Disabilities.

Social status
of black
males.

Petition (accompanied by bill, Senate, No. 2184) of Dianne Wilkerson for legislation to create environmental justice. To the committee on Environment, Natural Resources and Agriculture.

Environmental
justice.

Petition (accompanied by bill, Senate, No. 2185) of Dianne Wilkerson for legislation relative to coverage for asthma education and training;

Asthma.

Petition (accompanied by bill, Senate, No. 2186) of Dianne Wilkerson for legislation to create wealth within low and moderate income households of the Commonwealth;

Household
income.

Petition (accompanied by bill, Senate, No. 2187) of Dianne Wilkerson for legislation to establish community reinvestment obligations for certain mortgage lenders; and

Mortgage
lenders,
obligations.

Insurance
policies,
discrimination.

Petition (accompanied by bill, Senate, No. 2188) of Dianne Wilkerson for legislation to prohibit discrimination in insurance policies;

Severally to the committee on Financial Services.

Prostate
cancer
exams.

Petition (accompanied by bill, Senate, No. 2189) of Dianne Wilkerson for legislation to provide for greater insurance coverage of prostate cancer exams. To the committee on Health Care Financing.

MassArt.

Petition (accompanied by bill, Senate, No. 2190) of Dianne Wilkerson for legislation to make permanent the special status of MassArt. To the committee on Higher Education.

Subsidized
housing.

Petition (accompanied by bill, Senate, No. 2191) of Dianne Wilkerson for legislation to exclude payments for foster care in computing rent and determining eligibility for subsidized housing; and

Low and
moderate
income
tenants.

Petition (accompanied by bill, Senate, No. 2192) of Dianne Wilkerson for legislation to authorize municipalities to protect low and moderate income tenants and units of governmentally involved housing/expiring use properties;

Severally to the committee on Housing.

Criminal
offender
record.

Petition (accompanied by bill, Senate, No. 2193) of Dianne Wilkerson for legislation relative to distribution and use of criminal offender record;

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Petition (accompanied by bill, Senate, No. 2194) of Dianne Wilkerson for legislation to accelerate the sealing of non-conviction criminal offender record information;

Juvenile
records.

Petition (accompanied by bill, Senate, No. 2195) of Dianne Wilkerson for legislation to permit the purging of juvenile records;

Drug
treatment.

Petition (accompanied by bill, Senate, No. 2196) of Dianne Wilkerson for legislation to provide proceeds of drug case confiscations to drug treatment;

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Petition (accompanied by bill, Senate, No. 2197) of Dianne Wilkerson for legislation to expand the scope of the commonwealth's drug treatment program to allow for the diversion of low-level offenders under court supervision;

Jury
system.

Petition (accompanied by bill, Senate, No. 2198) of Dianne Wilkerson for legislation to improve the jury system of the commonwealth;

Civil
rights.

Petition (accompanied by bill, Senate, No. 2199) of Dianne Wilkerson for legislation to further protect civil rights; and

Foreclosure.

Petition (accompanied by bill, Senate, No. 2200) of Dianne Wilkerson for legislation to protect homeowners facing foreclosure;

Severally to the committee on the Judiciary.

Asthma.

Petition (accompanied by bill, Senate, No. 2201) of Dianne Wilkerson for legislation to reduce asthma rates and their associated costs;

Environmental
illness
registry.

Petition (accompanied by bill, Senate, No. 2202) of Dianne Wilkerson for legislation to establish a statewide environmental illness incidence registry;

Oral health
care.

Petition (accompanied by bill, Senate, No. 2203) of Dianne Wilkerson for legislation to increase access to oral health care; and

Asthma.

Petition (accompanied by bill, Senate, No. 2204) of Dianne Wilkerson for legislation to reduce asthma and other health threats from cleaning products used in schools, hospitals and public housing;

Severally to the committee on Public Health.

Petition (accompanied by bill, Senate, No. 2205) of Dianne Wilkerson for legislation to enhance emergency responses in public buildings and facilities. To the committee on Public Safety and Homeland Security.

Public
buildings,
emergency
responses.

Petition (accompanied by bill, Senate, No. 2206) of Dianne Wilkerson for legislation to authorize certain public defenders creditable retirement service time for service as an employee of Roxbury Defenders; and

Roxbury
buildings,
emergency
responses.

Petition (accompanied by bill, Senate, No. 2207) of Dianne Wilkerson for legislation to authorize the chief of police to the Massachusetts Bay Transportation Authority Police Department to appoint police cadets under certain circumstances to the police department of said authority summary;

MBTA,
police
cadets.

Severally to the committee on Public Service.

Reports of Committees.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the Marlborough 2010 Corporation (House, No. 2029) be scheduled for consideration by the House.

Marlborough,
2010
Corporation.

Under suspension of Rule 7A, on motion of Mr. LeDuc of Marlborough, the bill was read a second time forthwith; and it was ordered to a third reading.

Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill providing the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 3966).

Bonds,
terms.

By Mr. Kaufman of Lexington, for the committee on Public Service, on Senate, No. 1620 and House, No. 2465, a Bill relative to written majority authorization cards, petitions and other written evidence of collective bargaining results (House, No. 2465).

Collective
bargaining.

By the same member, for the same committee, on House, Nos. 2433, 2599 and 2604, a Bill relative to the minimum pension for retirees (House, No. 2604, changed by inserting after the figure "15,000", the second time it appears, the words "provided, however, that the retirement allowance shall not exceed the salary currently being paid for the position from which said person retired, or if the position no longer exists, a similar position").

Public
pensions,
minimums.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Engrossed Bills.

The engrossed Bill establishing a sick leave bank for Antoinette Romes, an employee of the Department of Transitional Assistance (see House, No. 3941, changed) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill authorizing the town of South Hadley to grant an additional alcoholic beverage license (see House, No. 3752,

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changed and amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House recessed until twelve o'clock noon; and at eight minutes after twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

Orders of the Day.

Third reading bill.

The House Bill establishing a sick leave bank for Dennis McNamara, an employee of the Department of Fish and Game (House, No. 3940) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Police officers, civil service examinations.

The House Bill relative to civil service examinations for appointment as police officers (House, No. 2666) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House Bill relative to the minimum age for appointment as a police officer (House, No. 2641), likewise referred to said committee; and the report was accepted.

Pending the question on passing the bill (House, No. 2666) to be engrossed, Mr. Lepper of Attleboro moved that it be amended by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to lower the minimum age for appointment as a police officer, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

The amendment was adopted; and the bill (House, No. 2666, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Orders.

Budget, procedures.

An Order (filed by Mr. Scaccia of Boston) relative to the procedures for consideration of the General Appropriation Bill for fiscal year 2008 (House, No. 3999), having been reported from the committee on Rules, under the provisions of House Rules 7B and 7C, was considered.

Quorum.

Pending the question on adoption of the order, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum, yea and nay No. 40.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 145 members were recorded as being in attendance.

[See Yea and Nay No. 40 in Supplement.]

Therefore a quorum was present.

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in the third paragraph by striking out the words "provided however, that any such amendment appropriating, earmarking, or otherwise segregating revenue shall not be in order".

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 18 members voted in the affirmative and 135 in the negative.

Amendment rejected, yea and nay No. 41.

[See Yea and Nay No. 41 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by striking out the fourth paragraph.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Webster of Hanson; and on the roll call 23 members voted in the affirmative and 131 in the negative.

Amendment rejected, yea and nay No. 42.

[See Yea and Nay No. 42 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by striking out the fifth paragraph.

After debate on the question on adoption of the amendment, Mr. Scaccia of Boston moved that Rule 7B be suspended in order that the House be authorized to continue debate beyond the thirty minutes allowed under said rule; and the motion prevailed.

After further debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call (Mr. Donato of Medford being in the Chair) 19 members voted in the affirmative and 132 in the negative.

Amendment rejected, yea and nay No. 43.

[See Yea and Nay No. 43 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by adding at the end thereof the following paragraph:

"Ordered, That notwithstanding any provision of this Order or the rules of the House to the contrary, no consolidated amendment to the General Appropriation Act offered by the committee on ways and means shall be considered by the House until the expiration of at least thirty minutes after the consolidated amendment shall have been first filed with the Clerk and made available to the members."

After debate the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the order by adding at the end thereof the following: "and be it further

Ordered, That, the rules of the House be amended, in Rule 7B, by adding at the end thereof the following paragraph:—

No order relative to special procedures for the consideration of the General Appropriation Bill shall be considered or acted upon by the House until the calendar day following during which said report shall have been in print and available to the public and to the members of the General Court. The committee on rules shall file its report recommending that such an order be adopted no later than eight o'clock P.M.

Amendment
rejected,
yea and nay
No. 44.

on the day preceding its consideration and the House shall not consider said report before one o'clock P.M. on the following day."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 18 members voted in the affirmative and 133 in the negative.

[See Yea and Nay No. 44 in Supplement.]

Therefore the amendment was rejected.

Order
adopted,
yea and nay
No. 45.

After debate on the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Scaccia of Boston; and on the roll call 133 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 45 in Supplement.]

Therefore the order (House, No. 3999, printed as amended) was adopted.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Mr. Toomey of Cambridge then moved that as a mark of respect to the memory of George W. Spartichino, a member of the House from Cambridge from 1957 to 1966, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at five minutes after two o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.